

EXHIBIT B

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Attorneys for Plaintiff Mind Medicine (MindMed), Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MIND MEDICINE (MINDMED) INC., a
British Columbia Corporation;

Plaintiff,

vs.

SCOTT FREEMAN, an individual, and
FCM MM HOLDINGS, LLC, a Wyoming
Limited Liability Company;

Defendants.

CASE NO. 2:23-cv-01354-MMD-EJY

**PLAINTIFF'S UNOPPOSED MOTION
FOR ALTERNATIVE SERVICE
PURSUANT TO NEVADA RULE OF
CIVIL PROCEDURE 4.4(b)**

Plaintiff Mind Medicine (MindMed) Inc. ("MindMed"), by and through its attorneys of record, respectfully moves this Court for an order directing that service of Defendant Scott Freeman ("Dr. Freeman") be accomplished by (i) mail to his Virgin Islands home address, and (ii) email to scott@sfreemanmd.com. This Motion is filed pursuant to Federal Rule of Civil

1 Procedure 4(e) and Nevada Rule of Civil Procedure 4.4(b), the Declaration of Alexandra R.
2 Mayhugh and all exhibits attached thereto, and is supported by the following Memorandum of
3 Points and Authorities.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 MindMed respectfully moves this Court for an order directing that service of Dr.
6 Freeman be accomplished by (i) mail to his Virgin Islands home address, and (ii) email to
7 scott@sfreemanmd.com.

8 The federal rules permit service to be effectuated in accordance with state law for serving
9 a summons in an action brought in courts of general jurisdiction. Fed. R. Civ. P. 4(e). In
10 Nevada state court, service by alternative means is allowed if a party demonstrates that service
11 pursuant to Nevada Rules of Civil Procedure (“NRCP”) 4.2, 4.3, and 4.4(a) is impracticable.
12 Here, over the course of 2.5 weeks, MindMed attempted personal service on Dr. Freeman 14
13 separate times at three different addresses, including a U.S. Virgin Islands address that Dr.
14 Freeman has listed in filings with the United States Securities and Exchange Commission
15 (“SEC”) and which a neighbor confirmed was his home address. MindMed also sent a copy of
16 the complaint to six attorneys from two different law firms which, upon information and belief,
17 currently represent Dr. Freeman in various pending legal matters. None of the six attorneys
18 agreed to accept service on Dr. Freeman’s behalf (or even responded to that portion of
19 MindMed’s email).

20 MindMed conducted due diligence in locating and trying to serve Dr. Freeman. Among
21 other things, MindMed hired an investigator to run a skip trace on Dr. Freeman. The skip trace
22 provided Dr. Freeman’s Virgin Islands address, as well as a secondary address in Las Vegas,
23 Nevada. MindMed attempted personal service multiple times at both addresses—as well as
24 service at Dr. Freeman’s brother’s address in Summit, New Jersey (where the occupant
25 represented that Dr. Freeman was not there and, indeed, lives in the Virgin Islands)—but, to date,
26 has been unsuccessful in locating or serving Dr. Freeman.

27 Finally, MindMed’s proposed methods of alternative service via mail and email comport
28

with due process because Dr. Freeman uses the email account (scott@sfreemanmd.com) to communicate about MindMed (including as recently as July 25, 2023), and thus it is the method most likely to reach Dr. Freeman. Moreover, it is exceedingly likely that Dr. Freeman is already aware of this lawsuit—through his company and co-defendant, FCM MM Holdings, LLC (“FCM”), who MindMed successfully served, through the preservation notice that MindMed sent to Dr. Freeman before filing this lawsuit, through Dr. Freeman’s numerous attorneys to whom MindMed emailed a copy of the complaint, and through public filings in a separate federal lawsuit in which Dr. Freeman is involved, which reference and attach the complaint filed here.

LEGAL STANDARD

Federal Rule of Civil Procedure 4(e)(1) provides that an individual may be served by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Fed. R. Civ. P. 4(e)(1). NRCP 4.4(b) allows for service “through any alternative service method” so long as certain requirements are met. “[A] party seeking an order for alternative service must: (1) demonstrate ‘that the service methods provided in Rules 4.2, 4.3, and 4.4(a) are impracticable’; (2) provide evidence that ‘due diligence was undertaken to locate and serve the defendant’; (3) provide evidence of ‘the defendant’s known, or last-known, contact information’; and (4) state why the alternative form of service comports with due process. *PlayUp, Inc. v. Mintas*, No. 2:21-cv-02129-GMN-NJK, 2021 WL 5988539, at *2 (D. Nev. Dec. 16, 2021) (quoting NRCP 4.4(b)(2)).

“An alternative method of service comports with due process so long as it is ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Id.* at *3 (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). The Ninth Circuit has concluded that service by email comports with due process. *See, e.g., Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1017-18 (9th Cir. 2002) (endorsing service by email in part because plaintiff established that email was defendant’s preferred method of communication and the method “most likely” to reach defendant); *see also PlayUp*, 2021 WL 5988539, at *3 (concluding that

1 email was “a sufficient service method” based on defendant’s recent use of the proposed email
2 address).

3 ARGUMENT

4 MindMed has complied with all the requirements for alternative service set forth in
5 NRCP 4.4(b). *First*, service pursuant to Rules 4.2, 4.3, and 4.4(a) is impracticable. *See* NRCP
6 4.4(b)(1). While Dr. Freeman appears to own a house in Las Vegas, Nevada, six different
7 personal service attempts at the property—from August 8, 2023 through August 12, 2023—were
8 unsuccessful. (Ex. C.)¹ Indeed, it appears that no one lives at 5357 Ravendale Cir, Las Vegas,
9 NV 89120; the process server observed no activity at the address, no cars on the property, and
10 almost no furniture visible inside the house. (*Id.*) In short, Dr. Freeman does not appear to
11 reside in Nevada and thus, Rule 4.2, which governs service within Nevada, is inapplicable.²

12 MindMed has also made multiple attempts to locate and serve Dr. Freeman pursuant to
13 Rule 4.3(a) to no avail:

- 14 • MindMed reviewed publicly available documents for Dr. Freeman’s current address,
15 including a Schedule 14A Preliminary Proxy Statement filed with the SEC on April 20,
16 2023. (Declaration of Alexandra R. Mayhugh (“Mayhugh Decl.”) ¶ 2.) In the
17 preliminary proxy statement, Dr. Freeman states that he “is resident in the United States
18 Virgin Islands.” (July 26, 2023 Appendix of Exhibits to Complaint, Volume 1 of 4, Ex. J
19 at 112.) He also provides a “principal business address” of 6 St. Peter, St. Thomas,
20 Virgin Islands 00802. *Id.* at 114.
- 21 • In **July 2023**, MindMed, suspecting that the address in the preliminary proxy statement
22 was inaccurate, **hired an investigator** to run a skip trace on Dr. Freeman. (Mayhugh
23 Decl. ¶ 3.) The skip trace showed that Dr. Freeman resided at a slightly different address
24 in the Virgin Islands: 6BC St. Peter, St. Thomas, Virgin Islands 00802. (Ex. A.) It also
25 returned information that Dr. Freeman is an “absentee owner” of an address in Nevada
(5357 Ravendale Cir, Las Vegas, NV 89120) and, further, that Dr. Freeman represented
26 to a federal court that he moved to the Virgin Islands in 2022. (*Id.*) The skip trace also
27 confirmed Dr. Freeman’s email address: scott@sfreemanmd.com. (*Id.*)
- 28 • On **July 26, 2023**, MindMed’s counsel **sent a copy of the filed complaint via email to
six attorneys from two different law firms**, Olshan Frome Wolosky LLP and Lewis
Roca, which, upon information and belief, currently represent Dr. Freeman in pending

¹ All exhibits cited herein are attached to the Declaration of Alexandra R. Mayhugh.

² There is no separate statute providing for service, so Rule 4.4(a) is likewise inapplicable.

1 legal matters. (Mayhugh Decl. ¶ 4.) In addition to sending a courtesy copy of the
2 complaint, MindMed's counsel asked if either firm was authorized to accept service on
3 behalf of Dr. Freeman. (*Id.*) On **July 31, 2023**, one of Dr. Freeman's lawyers from
4 Lewis Roca, Abraham Smith, asked for copies of the exhibits filed with the complaint
5 (which MindMed's counsel sent the same day). (*Id.*) Mr. Smith said that he did not have
an answer as to whether he could accept service and, to date, neither Mr. Smith nor any
of the other five attorneys on the email thread have agreed to accept service on Dr.
Freeman's behalf. (*Id.*)

- 6 • On **August 5, 2023**, a process server **attempted personal service** on Dr. Freeman at 6BC
7 St. Peter, St. Thomas, Virgin Islands 00802, but was not able to locate the address.
8 (Ex. B.)
- 9 • On **August 7, 2023**, a process server again attempted personal service on Dr. Freeman at
the Virgin Islands address but was unable to locate it. (Ex. B.)
- 10 • On **August 8, 2023**, a process server again **attempted personal service** at the Virgin
11 Islands address and was able to locate Dr. Freeman's residence with the assistance of
12 neighbors. (Ex. B.) There was no answer at the door, and no one entered or left the
13 residence in the couple of hours that the process server was there. (*Id.*) There was a Red
Bronco Sport parked in the carport with the license plate TGV 503. (*Id.*)
- 14 • Also on **August 8, 2023**, a process server **attempted personal service** on Dr. Freeman at
15 5357 Ravendale Cir, Las Vegas, NV 89120. (Ex. C.) There was no activity at the
address, no cars on property, and almost no furniture visible inside the house. (*Id.*)
- 16 • On **August 9, 2023**, a process server again **attempted personal service** on Dr. Freeman
17 at his Virgin Islands address. (Ex. B.) The process server spoke with a neighbor who
18 said that Dr. Freeman lives at the address and confirmed that the car parked in the carport
was his but said that he had not seen Dr. Freeman in over a month. (*Id.*) The neighbor
19 said that Dr. Freeman travels frequently. (*Id.*)
- 20 • Also on **August 9, 2023**, a process server again **attempted personal service** on Dr.
21 Freeman at his Las Vegas, Nevada address. (Ex. C.) There were no changes and no sign
of anyone being home. (*Id.*)
- 22 • On **August 10, 2023**, a process server again **attempted personal service** on Dr. Freeman
23 at his Virgin Islands address. (Ex. B.) There were no changes and no sign of anyone
being home. (*Id.*)
- 24 • Also on **August 10, 2023**, a process server again **attempted personal service** on Dr.
25 Freeman at his Las Vegas, Nevada address. (Ex. C.) There were no changes and no sign
26 of anyone being home. (*Id.*)
- 27 • Also on **August 10, 2023**, a process server **attempted personal service** on Dr. Freeman
28 at his brother's home address located at 186 Summit Ave., Summit, NJ 07901. (Ex. D.)

1 The current occupants informed the process server that Dr. Freeman was not there and
2 resides in the Virgin Islands. (*Id.*)

- 3 • On **August 11, 2023**, a process server again **attempted personal service** on Dr. Freeman
4 at his Las Vegas, Nevada address—once in the morning and once at night. (Ex. C.)
There was still no answer and no activity on the property. (*Id.*)
- 5 • On **August 12, 2023**, a process server again **attempted personal service** on Dr. Freeman
6 at his Virgin Islands address. (Ex. B.) There were no changes and no sign of anyone
being home. (*Id.*)
- 7 • Also on **August 12, 2023**, a process server again **attempted personal service** on Dr.
8 Freeman at his Las Vegas, Nevada address. (Ex. C.) There was still no answer and no
activity on the property. (*Id.*)
- 9 • On **August 13, 2023**, a process server again **attempted personal service** on Dr. Freeman
10 at his Virgin Islands address. (Ex. B.) There were no changes and no sign of anyone
11 being home. (*Id.*)

12 *Second*, as shown above, MindMed has diligently tried to locate and serve Dr. Freeman.
13 *See* NRCP 4.4(b)(2)(A)(i). MindMed hired an investigator to locate Dr. Freeman’s current
14 address by running a skip trace. (Mayhugh Decl. ¶ 3.) That investigation showed that Dr.
15 Freeman resides at 6BC St. Peter, St. Thomas, Virgin Islands 00802, which is consistent with Dr.
16 Freeman’s representation to the SEC that he is a resident of the U.S. Virgin Islands. (Ex. A; *see*
17 *also* Mayhugh Decl. ¶ 2.) The investigation also showed that Dr. Freeman owns but does not
18 live at a house located at 5357 Ravendale Cir, Las Vegas, NV 89120. (Ex. A.) Finally,
19 MindMed’s counsel is aware of a third address used by Dr. Freeman at times for business
20 purposes: 186 Summit Avenue, Summit, New Jersey 07901. (Mayhugh Decl. ¶ 7.)

21 MindMed has made **14 attempts** to personally serve Dr. Freeman: seven attempts at Dr.
22 Freeman’s residence in the Virgin Islands (which neighbors confirmed was Dr. Freeman’s home
23 address), six attempts at a house Dr. Freeman owns in Las Vegas, Nevada (which appears
24 unoccupied), and one attempt at Dr. Freeman’s brother’s address in Summit, New Jersey (where
25 the occupant represented that Dr. Freeman was not there and, indeed, lives in the Virgin Islands).

26 MindMed’s counsel also reached out to six attorneys from two different law firms
27 currently representing Dr. Freeman in other legal proceedings. (Mayhugh Decl. ¶ 4.) Only one
28

of those attorneys responded (to request copies of the exhibits filed with the complaint) and, to date, none of the attorneys has agreed to accept service on Dr. Freeman’s behalf. (*Id.*)

Third, MindMed has located the following contact information for Dr. Freeman (*see* NRCP 4.4(b)(2)(A)(ii)):

- **Address:** 6BC St. Peter, St. Thomas, Virgin Islands 00802
- **Phone numbers:** (202) 494-0284 & (415) 302-7658
- **Email address:** scott@sfreemanmd.com
- **Social media accounts:** Dr. Freeman’s LinkedIn account is available at <https://www.linkedin.com/in/scott-freeman-ab031284/>, and Dr. Freeman’s Facebook account is available at <https://www.facebook.com/scott.freeman.33483>. Upon information and belief, Dr. Freeman and his nephew Jake Freeman also have a Reddit account with the username “FreemanCapitalMngmt” for the purpose of posting MindMed-related content on behalf of Dr. Freeman and FCM to Reddit. (*See* Compl. ¶ 99.)

Fourth, MindMed’s requested methods of alternative service—by email to Dr. Freeman’s current email address (scott@sfreemanmd.com) and mail to Dr. Freeman’s Virgin Islands residence (6BC St. Peter, St. Thomas, Virgin Islands 00802)—comport with due process. *See* NRCP 4.4(b)(2)(B). Dr. Freeman has access to and uses his scott@sfreemanmd.com email account, including for communications with and related to MindMed. For example, on July 10, 2023, MindMed’s counsel sent Dr. Freeman, through his counsel, a preservation notice in preparation of this lawsuit. (Mayhugh Decl. ¶ 8.) On the following day, July 11, 2023, Dr. Freeman contacted MindMed’s counsel from the email account scott@sfreemanmd.com. (*Id.*) As a further example, on July 25, 2023, one day before the complaint was filed, Dr. Freeman sent an email from his scott@sfreemanmd.com email account to the Inspector of Elections for MindMed’s 2023 Annual General Meeting (“2023 AGM”) in connection with his purported challenge to the voting results of the 2023 AGM. (*See* Compl. ¶ 25; Mayhugh Decl. ¶ 8.) Accordingly, service to this same email account “is ‘reasonably calculated, under all the circumstances, to apprise [Dr. Freeman] of the pendency of the action and afford [him] an opportunity to present [his] objections.’” *PlayUp*, 2021 WL 5988539, at *2 (quoting *Mullane*,

339 U.S. at 314); *see also Rio Props.*, 284 F.3d at 1017-18 (endorsing service by email in part because plaintiff established that email was defendant’s preferred method of communication and the method “most likely” to reach defendant); *PlayUp*, 2021 WL 5988539, at *3 (concluding that email was “a sufficient service method” based on defendant’s recent use of the proposed email address). While likely unnecessary, mailing a copy of the complaint and summons to Dr. Freeman’s residence, in addition to email service, will all but ensure Dr. Freeman has access to the requisite filings.

Further, it is likely that Dr. Freeman is already well aware of the complaint filed in this case (making his attempts to dodge service all the more egregious). As discussed, MindMed’s counsel sent the complaint to two different firms representing Dr. Freeman in different legal proceedings. (Mayhugh Decl. ¶ 4.) It seems likely that at least one of the six attorneys on that email forwarded the complaint to Dr. Freeman. And, even if they did not, Dr. Freeman presumably learned of the lawsuit when FCM was served with a copy of the complaint and summons. (*See* Aug. 7, 2023 Proof of Service.) FCM is managed by Dr. Freeman and his nephew Jake Freeman, and functions as Dr. Freeman’s alter ego—it is controlled by Dr. Freeman, publicly adopts Dr. Freeman’s statements (including those made in litigation) as its own, claims to represent Dr. Freeman’s interest in MindMed, and appears to have been formed for the sole purpose of interfering in MindMed’s operations. (Compl. ¶ 3.) The complaint has also been submitted for judicial notice in a separate lawsuit brought by Dr. Freeman against MindMed’s former co-CEO and Chairman, Stephen Hurst (the “Hurst Litigation”). *See Freeman, et al. v. Hurst, et al.*, No. 2:22-cv-01433-RFB-VCF, Dkt. Nos. 120 & 120-1 (D. Nev. Aug. 11, 2023). Dr. Freeman is presumably monitoring and reviewing public filings made in the Hurst Litigation, which is a lawsuit Dr. Freeman initiated. Thus, it is virtually certain that Dr. Freeman has knowledge of this lawsuit. Yet he has refused to make himself available for service.

In light of MindMed’s numerous personal service attempts, further service attempts are impracticable and unlikely to be successful. Accordingly, MindMed requests permission to

1 serve the complaint and summons by mail and email, which are the methods most reasonably
2 calculated to afford Dr. Freeman with notice of this lawsuit and an opportunity to respond.

3 **CONCLUSION**

4 For the foregoing reasons, MindMed respectfully requests the Court grant this Motion
5 and authorize MindMed to accomplish alternative service on Defendant Scott Freeman by
6 (i) mail to his U.S. Virgin Islands home address, and (ii) email to scott@sfreemanmd.com.

7
8 DATED: September 5, 2023

9 **DICKINSON WRIGHT PLLC**

10
11 /s/ Justin J. Bustos

12 JUSTIN J. BUSTOS

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19 **COOLEY LLP**

20 Sarah Lightdale

21 (will comply with LR IA 11-2 within 14 days)

22 Kaitland Kennelly

23 (will comply with LR IA 11-2 within 14 days)

24 Amanda Liverzani

25 (will comply with LR IA 11-2 within 14 days)

26 Email: slightdale@cooley.com

27 Email: kkennelly@cooley.com

28 Email: aliverzani@cooley.com

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Tel: (213) 561-3250

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Attorneys for Plaintiff Mind Medicine (MindMed) Inc.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on September 5, 2023, with a copy of the foregoing PLAINTIFF'S UNOPPOSED MOTION FOR ALTERNATIVE SERVICE PURSUANT TO NEVADA RULE OF CIVIL PROCEDURE 4.4(b) via the Court's CM/ECF system.

DATE: September 5, 2023

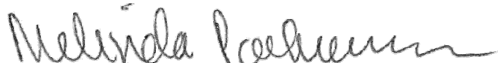

An employee of Dickinson Wright PLLC

EXHIBIT INDEX

Exhibit	Description	Pages³
A	Dos Santos Declaration of Due Diligence	2
B	Connor Affidavit of Due Diligence	2
C	Jimenez Affidavit of Due Diligence	2
D	Pryor Affidavit of Due Diligence	1

³ Exhibit page counts are exclusive of exhibit slip sheets.

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Attorneys for Plaintiff Mind Medicine (MindMed), Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MIND MEDICINE (MINDMED) INC., a
British Columbia Corporation;

Plaintiff,

vs.

SCOTT FREEMAN, an individual, and
FCM MM HOLDINGS, LLC, a Wyoming
Limited Liability Company;

Defendants.

CASE NO. 2:23-cv-01354-MMD-EJY

**DECLARATION OF ALEXANDRA R.
MAYHUGH IN SUPPORT OF MOTION
FOR ALTERNATIVE SERVICE
PURSUANT TO NEVADA RULE OF
CIVIL PROCEDURE 4.4(b)**

1 I, Alexandra R. Mayhugh, hereby declare and state:

2 1. I am an attorney licensed to practice law and in good standing before the Courts
3 of the State of California. I am an associate with the law firm Cooley LLP, co-counsel of record
4 for Plaintiff Mind Medicine (MindMed) Inc. (“MindMed”). I submit this declaration in support
5 of MindMed’s Motion for Alternative Service Pursuant to Federal Rule of Civil Procedure 4(e)
6 and Nevada Rule of Civil Procedure 4.4(b). The facts set forth below are based on my personal
7 knowledge and, if called as a witness, I could and would testify competently thereto.

8 2. I reviewed or coordinated the review of publicly available documents to locate
9 Defendant Scott Freeman’s (“Dr. Freeman”) current address. Among the documents reviewed
10 was a Schedule 14A Preliminary Proxy Statement filed with the United States Securities and
11 Exchange Commission on April 20, 2023. In the preliminary proxy statement, Dr. Freeman
12 states that he “is resident in the United States Virgin Islands.” He also provides a “principal
13 business address” of 6 St. Peter, St. Thomas, Virgin Islands 00802.

14 3. In July 2023, I hired First Legal Investigations to run a skip trace on Dr. Freeman.
15 Attached as **Exhibit A** is a true and correct copy of a declaration signed by Summer Dos Santos,
16 an employee of First Legal Investigations, a licensed detective agency, and dated August 17,
17 2023. The declaration summarizes the results of the skip trace.

18 4. On July 26, 2023, my colleague, copying me, sent a copy of the filed complaint
19 via email to six attorneys from two different law firms Olshan Frome Wolosky LLP and Lewis
20 Roca, which, upon information and belief, currently represent Dr. Freeman in pending legal
21 matters. In addition to sending a courtesy copy of the complaint, my colleague asked if either
22 firm was authorized to accept service on behalf of Dr. Freeman. On July 31, 2023, one of Dr.
23 Freeman’s lawyers from Lewis Roca, Abraham Smith, asked for copies of the exhibits filed with
24 the complaint (which Cooley sent the same day). Mr. Smith said that he did not have an answer
25 as to whether he could accept service and, to date, neither Mr. Smith nor any of the other five
26 attorneys on the email thread have agreed to accept service on Dr. Freeman’s behalf.

5. Attached as **Exhibit B** is an Affidavit of Due Diligence signed by Lionel A. Connor, a process server associated with First Legal, and dated August 18, 2023. The Affidavit summarizes Mr. Connor's attempts to serve Dr. Freeman in the Virgin Islands.

6. Attached as **Exhibit C** is an Affidavit of Due Diligence signed by Deyber Jimenez, a process server associated with First Legal, and dated August 18, 2023. The Affidavit summarizes Mr. Jimenez's attempts to serve Dr. Freeman in Las Vegas, Nevada.

7. Through Cooley's review of publicly available documents, I am aware that Dr. Freeman has previously used his brother's address in New Jersey for business purposes: 186 Summit Avenue, Summit, New Jersey 07901. Attached as **Exhibit D** is an Affidavit of Due Diligence signed by Willie Pryor, a process server associated with First Legal, and dated August 18, 2023. The Affidavit summarizes Mr. Pryor's attempts to serve Defendant Scott Freeman in Summit, New Jersey.

8. Dr. Freeman appears to have access to and use his scott@sfreemanmd.com email account. On July 10, 2023, MindMed sent Dr. Freeman, through his counsel, a preservation notice in preparation for this lawsuit. On the following day, July 11, 2023, Dr. Freeman contacted MindMed's counsel from the email account scott@sfreemanmd.com. On July 25, 2023, Dr. Freeman sent an email from his scott@sfreemanmd.com email account to the Inspector of Elections for MindMed's 2023 Annual General Meeting ("2023 AGM") in connection with his purported challenge to the voting results of the 2023 AGM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2023 in Los Angeles, California.



Alexandra R. Mayhugh

Exhibit A

Dos Santos Declaration

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(pro hac vice applications forthcoming)

Attorneys for Plaintiff Mind Medicine (MindMed), Inc.

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MIND MEDICINE (MINDMED) INC., a
British Columbia Corporation;

Plaintiff,

vs.

SCOTT FREEMAN, an individual, and
FCM MM HOLDINGS, LLC, a Wyoming
Limited Liability Company;

Defendants.

CASE NO. A-23-874611-B
DEPT. 16

**DILIGENCE DECLARATION IN
SUPPORT OF MOTION FOR
ALTERNATIVE SERVICE PURSUANT
TO NRCP 4.4**

1 I, Summer Dos Santos, hereby declare and state the following:

2 I am over eighteen years of age. I am employed by First Legal Investigations, which is a
3 licensed detective agency. I submit this declaration in support of Mind Medicine (MindMed) Inc.'s
4 ("MindMed") Motion for Alternative Service Pursuant to NRCP 4.4. I have personal knowledge
5 of the following facts and, if called to testify, could and would testify competently thereto.

6 From July 14, 2023 to July 19, 2023, my office conducted a skip trace to attempt to
7 ascertain the location of Scott Mitchell Freeman. The results of the skip trace are as follows.

8 Based on all indications, Dr. Freeman appears to reside at 6BC St. Peter, St. Thomas,
9 Virgin Islands 00802. In documents filed in a federal court case involving Dr. Freeman, he
10 represented that he moved to the Virgin Islands in 2022. Dr. Freeman also appears to own a
11 property in Las Vegas, Nevada as an absentee owner: 5357 Ravendale Cir, Las Vegas, NV 89120.

12 Our investigation also uncovered the following contact information for Dr. Freeman.

- 13 • Possible phone numbers: (202) 494-0284 & (415) 302-7658
- 14 • Possible email address: scott@sfreemanmd.com

15 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
16 is true and correct.

17 Executed on August 17, 2023 in Long Beach, California.

18
19 

20 _____
21 Summer Dos Santos
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Exhibit B

Connor Affidavit

Attorney or Party without Attorney: Sarah Lightdale COOLEY LLP 1333 2nd St., Ste 400, Santa Monica, CA 90401 Telephone No: (310) 883-6400 Attorney For: Plaintiff				Ref. No. or File No.:		For Court Use Only
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT CLARK COUNTY, NEVADA						
Plaintiff: MIND MEDICINE (MINDMED) INC., a British Columbia Corporation Defendant: SCOTT FREEMAN, an individual; ET AL						
AFFIDAVIT OF DUE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: A-23-874611-C	

1. I, Lionel A. Connor , and any employee or independent contractors retained by FIRST LEGAL are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on subject SCOTT FREEMAN, an individual as follows:
2. *Documents:* Summons; Complaint; Notice of Hearing; Civil Cover Sheet; Plaintiff Mind Medicine (Mindmed) Inc.'s Rule 7.1 Disclosure Statement; Plaintiff's Motion To File Exhibits Under Seal; Appendix Of Exhibits To Complaint Volume 1 Of 4; Appendix Of Exhibits To Complaint Volume 2 Of 4; Appendix Of Exhibits To Complaint Volume 3 Of 4; Appendix Of Exhibits To Complaint Volume 4 Of 4 Filed Under Seal

Attempt Detail

- 1) Unsuccessful Attempt by: Lionel A. Connor on: Aug 5, 2023, 1:00 pm EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
Unable to locate the address. I drove around the area where the address should be, but was unable to locate. Spoke with people in the area but no one recognized this address.
- 2) Unsuccessful Attempt by: Lionel A. Connor () on: Aug 7, 2023, 10:00 am EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
Unable to locate the address. I located a map of the area, but no listing for 6BC St Peter. I tried verifying with the postal service as well but was unable to verify the exact location of the address as mail is only placed in a central mailbox and picked up.
- 3) Unsuccessful Attempt by: Lionel A. Connor on: Aug 8, 2023, 8:00 am EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
I was able to locate the residence by speaking with neighbors in the area. They informed me that last they heard, the house was for sale. There was no answer at the door. I stayed around for a couple hours, but no one came and went. There was a Red Bronco Sport parked in the carport with plate TGV 503.
- 4) Unsuccessful Attempt by: Lionel A. Connor on: Aug 9, 2023, 7:00 pm EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
I spoke with a neighbor who stated that the subject lives at that address and confirmed the car was his, but he has not been seen in over a month. The neighbor stated that he travels a lot. Waited around for an hour, but there was no activity. No lights were on inside, only automatic lights that come on at night .
- 5) Unsuccessful Attempt by: Lionel A. Connor on: Aug 10, 2023, 6:00 am EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
Waited around for over an hour but no sign of anyone being home. I knocked multiple times and walked around the property. The same car is at the residence. No changed from last night.
- 6) Unsuccessful Attempt by: Lionel A. Connor on: Aug 12, 2023, 5:45 pm EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
No answer at the door. walked around the property and waited for a few hours, but no one was there.
- 7) Unsuccessful Attempt by: Lionel A. Connor on: Aug 13, 2023, 6:00 am EDT at 6BC ST PETER, SAINT THOMAS, VI 00802
No changes on the premises. No sign of anyone being home. Car is still parked on the same spot. Waited for a few hours but no one came or went. Subject has not been seen by neighbors.



**AFFIDAVIT OF
DUE DILIGENCE**

9272244
(5390511)

Attorney or Party without Attorney: Sarah Lightdale COOLEY LLP 1333 2nd St., Ste 400, Santa Monica, CA 90401 Telephone No: (310) 883-6400 Attorney For: Plaintiff				For Court Use Only	
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT CLARK COUNTY, NEVADA					
Plaintiff: MIND MEDICINE (MINDMED) INC., a British Columbia Corporation Defendant: SCOTT FREEMAN, an individual; ET AL					
AFFIDAVIT OF DUE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: A-23-874611-C

3. **Person Who Served Papers:**

a. Lionel A. Connor

b. **FIRST LEGAL**

1517 W. Beverly Blvd.

LOS ANGELES, CA 90026

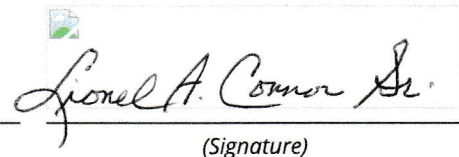
c. (213) 250-1111

d. **The Fee for Service was:** \$1237.03

4. **I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

08/18/2023

(Date)


 (Signature)



AFFIDAVIT OF
DUE DILIGENCE

9272244
(5390511)
Page 2 of 2

Exhibit C

Jimenez Affidavit

Attorney or Party without Attorney: Sarah Lightdale COOLEY LLP 1333 2nd St., Ste 400 Santa Monica, CA 90401 Telephone No: (310) 883-6400 Attorney For: Plaintiff				For Court Use Only	
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT CLARK COUNTY, NEVADA					
Plaintiff: MIND MEDICINE (MINDMED) INC., a British Columbia Corporation Defendant: SCOTT FREEMAN, an individual; ET AL					
AFFIDAVIT OF DUE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: A-23-874611-C

- I, Deyber Jimenez R-2022-05447, Clark, and any employee or independent contractors retained by FIRST LEGAL are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on subject SCOTT FREEMAN, an individual as follows:
- Documents:* Summons; Complaint; Notice of Hearing; Civil Cover Sheet; Plaintiff Mind Medicine (Mindmed) Inc.'s Rule 7.1 Disclosure Statement; Plaintiff's Motion To File Exhibits Under Seal; Appendix Of Exhibits To Complaint Volume 1 Of 4; Appendix Of Exhibits To Complaint Volume 2 Of 4; Appendix Of Exhibits To Complaint Volume 3 Of 4; Appendix Of Exhibits To Complaint Volume 4 Of 4 Filed Under Seal

Attempt Detail

- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 8, 2023, 6:14 pm PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
No answer, no activity, almost no furniture visible inside the property, no cars on driveway.
- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 9, 2023, 4:55 pm PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
No answer, noises behind the door, no car's on driveway, a package for Sir Kinsley by trash.
- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 10, 2023, 2:20 pm PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
Still no answer, no activity, no cars on property, no answer on next door neighbor.
- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 11, 2023, 9:50 am PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
Still no answer, no activity, no cars on driveway, no answer on next door neighbor.
- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 11, 2023, 7:30 pm PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
Still no answer, no activity, lights are off, no cars on property.
- Unsuccessful Attempt by: Deyber Jimenez (R-2022-05447, Clark) on: Aug 12, 2023, 10:00 am PDT at 5357 Ravendale Cir, Las Vegas, NV 89120
No answer, no activity, no cars on property, marker left at front door still there.



AFFIDAVIT OF
DUE DILIGENCE

9330976
(5400746)
Page 1 of 2

Attorney or Party without Attorney: Sarah Lightdale COOLEY LLP 1333 2nd St., Ste 400 Santa Monica, CA 90401 Telephone No: (310) 883-6400 Attorney For: Plaintiff				For Court Use Only
Ref. No. or File No.:				
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT CLARK COUNTY, NEVADA				
Plaintiff: MIND MEDICINE (MINDMED) INC., a British Columbia Corporation Defendant: SCOTT FREEMAN, an individual; ET AL				
AFFIDAVIT OF DUE DILIGENCE	Hearing Date:	Time:	Dept/Div:	Case Number: A-23-874611-C

3. **Person Who Served Papers:**

a. Deyber Jimenez (R-2022-05447, Clark)

b. FIRST LEGAL

1517 W. Beverly Blvd.
 LOS ANGELES, CA 90026

c. (213) 250-1111

d. **The Fee for Service was:** \$1098.51

4. **I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

08/18/2023

(Date)



(Signature)



AFFIDAVIT OF
 DUE DILIGENCE

9330976
 (5400746)
 Page 2 of 2

Exhibit D

Pryor Affidavit

Attorney or Party without Attorney: Sarah Lightdale COOLEY LLP 1333 2nd St., Ste 400 Santa Monica, CA 90401 Telephone No: (310) 883-6400 Attorney For: Plaintiff				For Court Use Only	
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court: DISTRICT COURT CLARK COUNTY, NEVADA					
Plaintiff: MIND MEDICINE (MINDMED) INC., a British Columbia Corporation Defendant: SCOTT FREEMAN, an individual; ET AL					
AFFIDAVIT OF DUE DILIGENCE		Hearing Date:	Time:	Dept/Div:	Case Number: A-23-874611-C

- I, Willie Pryor, and any employee or independent contractors retained by FIRST LEGAL are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on subject SCOTT FREEMAN, an individual as follows:
- Documents:* Summons; Complaint; Notice of Hearing; Civil Cover Sheet; Plaintiff Mind Medicine (Mindmed) Inc.'s Rule 7.1 Disclosure Statement; Plaintiff's Motion To File Exhibits Under Seal; Appendix Of Exhibits To Complaint Volume 1 Of 4; Appendix Of Exhibits To Complaint Volume 2 Of 4; Appendix Of Exhibits To Complaint Volume 3 Of 4; Appendix Of Exhibits To Complaint Volume 4 Of 4 Filed Under Seal

Attempt Detail

1) Unsuccessful Attempt by: Willie Pryor on: Aug 10, 2023, 7:40 pm EDT at 186 Summit Ave, Summit, NJ 07901
 Bad address. Subject does not reside at this address. Per current occupants, subject resides in the Virgin Islands.

3. Person Who Served Papers:

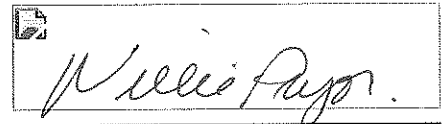
- Willie Pryor
- FIRST LEGAL
 1517 W. Beverly Blvd.
 LOS ANGELES, CA 90026
- (213) 250-1111

d. *The Fee for Service was:* \$630.80

- I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

08/18/2023

(Date)



(Signature)



AFFIDAVIT OF
DUE DILIGENCE

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(5403952)